

Notice of Allowability

Application No.

10/748,394

Applicant(s)

BERZINIS ET AL.

Examiner

Olga Asinovsky

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to April 05, 2005.
2. ☒ The allowed claim(s) is/are 1,3-17,20-33,35-49 and 52-64.
3. ☒ The drawings filed on 30 December 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 04/05/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Art Unit: 1711

1. The following is an examiner's statement of reasons for allowance: The present claims have been amended for including the definition of an elastomeric phase based on alkylacrylate monomer and a mixture of monomers in the processes steps (a) and (b). The closest prior art is Barghoorn et al U.S. patent 6,566,457. Barghoorn does not disclose a method for producing ASA copolymer comprising an elastomeric phase of (C1-C12)alkyl(meth)acrylate monomer and wherein the claimed process in the present claims 1, 3-17 and 20-32 comprises the steps of (a) and (b) such that step (a) is polymerizing a mixture of monomers in a first stage in the presence of the elastomeric phase, at least one of which monomers is selected from the group consisting of vinyl aromatic monomers and at least one of which monomers is selected from the group consisting of monoethylenically unsaturated nitrile monomers, and step (b) is polymerizing a mixture of monomers in at least one subsequent stage in the presence of the elastomeric phase from (a), wherein the monomers comprise at least one vinyl aromatic monomer, at least one monoethylenically unsaturated nitrile monomer, and at least one monomer selected from the group consisting of (C1-C12)alkyl and aryl-(meth)acrylate monomers.

The present claims 33, 35-49 and 52-64 are directed to an acrylonitrile-styrene-acrylate (ASA) type resin composition. There is no motivation or direction in the closest reference to Barghoorn' 6,566,457 to define an elastomeric phase (core segment) based on acrylate latex and at least two grafted shell segments, wherein the first grafted shell comprises a monomer mixture of a vinyl aromatic monomer and a

Art Unit: 1711

monoethylenically unsaturated nitrile monomer, and the second shell comprises a mixture of monomers comprising a vinyl aromatic monomer, at least one monoethylenically unsaturated nitrile monomer and at least one monomer selected from the group consisting of (C1-C12)alkyl- and aryl-(meth)acrylate monomers.

There is no motivation to combine the teachings of Molnar U.S. Patent 6,331,580 and Gaggari et al U.S. patent 6,720,386 since upon the amendment Molnar does not disclose a rubber core based on alkylacrylate monomer.

New search was made for an acrylate latex such as a butylacrylate for the elastomeric phase. New references Patents 5,068,285 and 4,224,419 disclose a core produced by polymerization of n-butylacrylate. However, none discloses step (b) specified in the present claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Asinovsky whose telephone number is 571-272-1066. The examiner can normally be reached on 9:00 to 5:30 pm.

Art Unit: 1711

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O.A

May 30, 2005

Olga Asinovsky
Examiner
Art Unit 1711



James J. Seidleck
Supervisory Patent Examiner
Technology Center 1700